

REFERENCE TITLE: **secretary of state; initiative review**

State of Arizona  
House of Representatives  
Forty-seventh Legislature  
Second Regular Session  
2006

## **HB 2532**

Introduced by  
Representatives Gallardo, Downing, Sinema: Cajero Bedford, Garcia M,  
Kirkpatrick, Lopes, Lopez L, Lujan, Meza, Prezelski

### **AN ACT**

AMENDING SECTION 19-121.01, ARIZONA REVISED STATUTES; RELATING TO INITIATIVE  
AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 19-121.01, Arizona Revised Statutes, is amended to  
3 read:

4       19-121.01. Secretary of state: removal of petition and  
5                   ineligible signatures: facsimile sheets: random  
6                   sample

7       A. Within fifteen days, excluding Saturdays, Sundays and other legal  
8       holidays, of the date of filing of an initiative or referendum petition and  
9       issuance of the receipt, the secretary of state shall:

10       1. Remove the following:

11           (a) Those sheets not attached to a TRUE AND CORRECT copy of the title  
12       and text of the measure. THE COPY OF THE TITLE AND TEXT OF THE MEASURE AS  
13       FILED WITH THE SECRETARY OF STATE SHALL BE IDENTICAL TO THE TITLE AND TEXT OF  
14       THE MEASURE THAT WAS SUBMITTED TO THE SECRETARY OF STATE PURSUANT TO SECTION  
15       19-111 FOR RECEIPT OF THE OFFICIAL SERIAL NUMBER FOR THE MEASURE.

16           (b) The copy of the title and text from the remaining petition sheets.

17           (c) Those sheets not bearing the petition serial number in the lower  
18       right-hand corner of each side.

19           (d) Those sheets containing a circulator's affidavit that is not  
20       completed or signed.

21           (e) Those sheets on which the affidavit of the circulator is not  
22       notarized, the notary's signature is missing, the notary's commission has  
23       expired or the notary's seal is not affixed.

24           (f) Those sheets on which the signatures of the circulator or the  
25       notary are dated earlier than the dates on which the electors signed the face  
26       of the petition sheet.

27       2. After completing the steps in paragraph 1 of this subsection,  
28       review each sheet to determine the county of the majority of the signers and  
29       shall:

30           (a) Place a three or four letter abbreviation designating that county  
31       in the upper right-hand corner of the face of the petition.

32           (b) Remove all signatures of those not in the county of the majority  
33       on each sheet by marking an "SS" in red ink in the margin to the right of the  
34       signature line.

35           (c) Cause all signature sheets to be grouped together by county of  
36       registration of the majority of those signing and attach them to one or more  
37       copies of the title and text of the measure. If the sheets are too bulky for  
38       convenient grouping by the secretary of state in one volume by county, they  
39       may be bound in two or more volumes with those in each volume attached to a  
40       single printed copy of the measure. The remaining detached copies of the  
41       title and text of the measure shall be delivered to the applicant.

42       3. After completing the steps in paragraph 2 of this subsection,  
43       remove the following signatures that are not eligible for verification by  
44       marking an "SS" in red ink in the margin to the right of the signature line:

45           (a) If the signature of the qualified elector is missing.

1           (b) If the residence address or the description of residence location  
2 is missing.

3           (c) If the date on which the petitioner signed is missing.

4           (d) Signatures in excess of the fifteen signatures permitted per  
5 petition.

6           (e) Signatures withdrawn pursuant to section 1-261.

7           4. After the removal of petition sheets and signatures, count the  
8 number of signatures for verification on the remaining petition sheets and  
9 note that number in the upper right-hand corner of the face of each petition  
10 sheet immediately above the county designation.

11          5. Number the remaining petition sheets that were not previously  
12 removed and that contain signatures eligible for verification in consecutive  
13 order on the front side of each petition sheet in the upper left-hand corner.

14          6. Count all remaining petition sheets and signatures not previously  
15 removed and issue a receipt to the applicant of this total number eligible  
16 for verification.

17          B. If the total number of signatures for verification as determined  
18 pursuant to subsection A, paragraph 6 of this section equals or exceeds the  
19 constitutional minimum, the secretary of state, during the same fifteen day  
20 period provided in subsection A of this section, shall select, at random,  
21 five per cent of the total signatures eligible for verification by the county  
22 recorders of the counties in which the persons signing the petition claim to  
23 be qualified electors. The random sample of signatures to be verified shall  
24 be drawn in such a manner that every signature eligible for verification has  
25 an equal chance of being included in the sample. The random sample produced  
26 shall identify each signature selected by petition page and line number. The  
27 signatures selected shall be marked according to the following procedure:

28          1. Using red ink, mark the selected signature by circling the line  
29 number and drawing a line from the base of the circle extending into the left  
30 margin.

31          2. If a signature line selected for the random sample is found to be  
32 blank or was removed from the verification process pursuant to subsection A  
33 of this section and is marked with an "SS", then the next line down, even if  
34 that requires going to the next petition sheet in sequence, on which an  
35 eligible signature appears shall be selected as a substitute if that line has  
36 not already been selected for the random sample. If the next eligible line  
37 is already being used in the random sample, the secretary of state shall  
38 proceed back up the page from the signature line originally selected for the  
39 random sample to the next previous signature line eligible for verification.  
40 If that line is already being used in the random sample, the secretary of  
41 state shall continue moving down the page or to the next page from the line  
42 originally selected for the random sample and shall select the next eligible  
43 signature as its substitute for the random sample. The secretary of state  
44 shall use this process of alternately moving forward and backward until a

1       signature eligible for verification and not already included in the random  
2       sample can be selected and substituted.

3           C. After the selection of the random sample and the marking of the  
4       signatures selected on the original petition sheets pursuant to subsection B  
5       of this section, the secretary of state shall reproduce a facsimile of the  
6       front of each signature sheet on which a signature included in the random  
7       sample appears. The secretary of state shall clearly identify those  
8       signatures marked for verification by color highlighting or other similar  
9       method and shall transmit by personal delivery or certified mail to each  
10      county recorder a facsimile sheet of each signature sheet on which a  
11      signature appears of any individual claiming to be a qualified elector of  
12      that county **AND** whose signature was selected for verification as part of the  
13      random sample.

14           D. The secretary of state shall retain in custody all signature sheets  
15      removed pursuant to this section except as otherwise prescribed in this  
16      title.